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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,513	12/14/2001	Maynard Grimm	MGJW-B01-Prv	8238
57131	7590	02/22/2006	EXAMINER	
CARL J. COOPER 73 SHORELINE CIRCLE INCLINE VILLAGE, NV 89451			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/017,513

Applicant(s)

GRIMM ET AL.

Examiner

Laura A. Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claims 1 and 3, respectively, limitation “a”, yields an indefinite interpretation in respect to what defines the characteristic of each audio signal input. For example is each audio signal input subject to at least two digital audio signals at different rates and each of the two digital inputs including a plurality of audio signals, or is the limitation of the “... each of which plurality of audio signals...” defining another characteristic of each audio signal input.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bittel, U. S.

Patent No., 5014341.

Regarding claims 4 and 7-8, Bittel discloses a hybrid master control desk for analog and digital audio signals. Bittel's disclosure includes a control desk (figures 1 and 2) for a processing a plurality of input signals from a plurality of audio input sources (analog and digital), which indicates a providing plurality of audio signal input connections, wherein at least one is capable of receiving digital audio signals of different data rates (digital audio signal sources); a processing section (11/21) which includes level adjusters, filters, switching members, and monitoring devices, which provides for inherent support of selecting, and processing, therein; the desk is able to output both a digital and analog broadcast signals, which indicates outputting all channels in a plurality of distinct known forms; and further, the processing sections (11/21) includes a monitoring devices (col. 2, lines 59-col. 3, lines 50).

Regarding claims 5-6, 9 and 15, Bittel discloses a hybrid master control desk for analog and digital audio signals. Bittel's disclosure includes a control desk (figures 1 and 2) for a processing a plurality of input signals from a plurality of audio input sources (analog and digital), which indicates a providing plurality of audio signal input connections, wherein at least one is capable of receiving digital audio signals of different data rates (digital audio signal sources); a processing section (11/21) which includes level adjusters, filters, switching members, and monitoring devices, which provides for inherent support of selecting, and processing, therein; the desk is able to output both a digital and analog broadcast signals, which indicates outputting all channels in a plurality of distinct known forms; and further, the processing sections (11/21) includes a monitoring devices, and enables the manipulation of an audio engineer which inherently supports utilizing parameters which are established in manufacture and/or by an operator, therein as claimed. (col. 2, lines 59-col. 3, lines 50).

Regarding claim 6, Bittel discloses everything claimed as applied above (see claim 4 or 5). The components that make-up up the processing section and the function of the processing section makes mixing a second signal inherent.

Regarding claim 10, Bittel discloses everything claimed as applied above (see claim 7 or 8). The components that make-up up the processing section and the function of the processing section makes mixing a second signal inherent.

5. Claims 11-14 are allowed.

6. Claims 1-3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

The applicant's arguments are directed the prior art not disclosing audio monitoring and the examiner not having any motivation for the 103 rejection, and the prior art not providing support of both an analog and digital output, and utilizing input parameters which causes changes automatically. A new reference of prior art has been provided that disclose the claimed invention – a master control desk which receives a plurality of input from a combination of analog and digital audio sound sources, a processing section that accounts for selecting, processing, monitoring, operator input, therein as claimed and in respect to the broadest interpretation of the claim language.

Citation of Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hinderks, U. S. Patent No., 6041295, discloses comparing codec input/output to adjust psycho-acoustic parameters.

*Conclusion*


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura A Grier  
Primary Examiner  
Art Unit 2644

February 16, 2006